

REMARKS

In light of the amendments to the claims noted above and remarks to follow, reconsideration and allowance of the above-referenced application is respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 36-47, 49-57 and 59-66 and amended claims 35, 48, 58, 67 and 68 are in this application.

At page 2 of the Advisory Action of September 2, 2003, the Examiner stated that the claims provide for a use of communication system, but since the claims do not set forth any steps involved in the method or process, it is unclear what method or process the applicant is intending to encompass. It is respectfully submitted that applicant has amended the preamble of all the independent claims in order to specify the method or process the communication system is intended to encompass. Therefore, it is believed that all claims recite active and positive steps delimiting how the communication system is used in practice. Applicant therefore respectfully requests that the 101 rejection applied by the Examiner in the Advisory Action be withdrawn.

At paragraph 1 of the outstanding Final Office Action of February 14, 2003, the Examiner objected to the drawings under 37 CFR 1.83(a) because The Examiner stated that the drawings must show every feature of the invention specified in the claims. In particular, the

Examiner stated that the second communication devices in claim 48 must be shown or the features canceled from the claims. It is respectfully submitted that claim 48 has been amended herein to state "communication device" instead of "communication devices." Applicant therefore requests that the objection to the drawings under 37 CFR 1.83(a) be withdrawn.

At paragraph 4 of the outstanding Final Office Action of February 14, 2003, the Examiner rejected claims 48-57 under 35 U.S.C §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time of the application was filed, had possession of the claimed invention. In particular, the Examiner stated that the specification failed to originally support and inadequately describe the second communication devices as stated in claim 48. Claim 48 has been amended herein to state "communication device" instead of "communication devices." Applicant therefore requests that the rejection under 35 U.S.C §112, first paragraph be withdrawn.

At paragraph 6 of the outstanding Final Office Action of February 14, 2003, the Examiner rejected claims 35-66 under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 48 and 58 had either insufficient antecedent basis or omitted elements or confusing elements. Claims 48 and 58 as amended herein are believed to overcome the 112, second paragraph rejection. Applicant therefore requests that the rejection under 35 U.S.C §112, second paragraph be withdrawn.

At page 4 of the outstanding Final Office Action of February 14, 2003, the Examiner rejected all claims, indicating that any attempt to claim a process without setting forth any steps involved in the process generally raises an issue of indefiniteness under 35 U.S.C. 112,

second paragraph. Applicant notes that independent claims 35, 48, 58 and 67 have been amended herein by specifying in the preamble of each of the independent claims what the communication system is used for. Concerning this rejection, as best understood, the process for which the communication device is used for has been described in order to overcome any issues of indefiniteness and to clearly identify the method or process applicant is intended to encompass. Applicant therefore requests that the rejection of all claims on this ground be withdrawn.

At paragraph 7 of the outstanding Final Office Action of February 14, 2003, the Examiner rejected claims 35-66 under 35 U.S.C §101 because the claimed invention is directed to non-statutory subject matter. The Examiner refers to a number of claims regarding improper definition of a process. Claims 35-66 are not directed toward a process, but rather directed towards a communication system and communication device. However, as best understood, applicant has amended independent claims 35, 48, 58 and 67 by specifying in the preamble of each of the independent claims what the communication system is used for. This amendment to the independent claims is believed to place all the claims in a proper definition of a process and to clearly identify the method or process applicant is intended to encompass. Applicant therefore respectfully requests that the rejection under 35 U.S.C. §101 be withdrawn.

At paragraph 10 of the outstanding Final Office Action of February 14, 2003, the Examiner rejected claims 48-54, 56-64, 66 and 67 under 35 U.S.C §102(e) as being anticipated by Zicker et al. (U.S. Patent No. 5,832,378). Applicant respectfully traverses the rejection.

Amended independent claim 35, recites in part, “A communication system for allowing at least voice communication and visual communication between at least two users, said communication system comprising...a second communication means...said second communication device receives said address information of said second source from said

first communication device using said third communication system..." and that "...said second communication device receives information from said second source **in accordance with said address information of said second source** by using said second communication system."

(Underlining and bold added for emphasis.)

Applicant submits that Zicker fails to teach the newly added feature of amended independent claim 35. Zicker teaches a wireless communication system that includes special handsets to automatically switch to an enhanced cordless mode (column 1, lines 46-56). In other words, Zicker is concerned with supporting a multiple mode communication system that does not locate information from a first source or a second source to be transmitted back to a second communication device manipulated by a user. Amended independent claim 35 states that a second communication device receives address information about a second source via a first communication device so that the second communication device can receive information from the second source. Support for this feature can be found at page 31, line 19 to page 32, line 10 of the present specification. Therefore, it is believed that amended independent claim 35 is distinguishable from Zicker as applied by the Examiner.

For similar reasons, it is also believed that amended independent claims 48, 58 and 67 are also distinguishable from Zicker as applied by the Examiner. Further, claims 49-54, 56, 57, 59-64 and 66 are dependent from one of amended independent claims 48 and 58, and due to such dependency are believed to be distinguishable over Zicker as applied by the Examiner for at least the reasons described above.

Applicant therefore respectfully requests that the rejection of claims 48-54, 56-64, 66 and 67 under 35 U.S.C. §102(e) be withdrawn.

At paragraph 13 of the outstanding Final Office Action of February 14, 2003, the Examiner rejected claims 55 and 65 under 35 U.S.C §103(a) as being unpatentable over Zicker et al. (U.S. Patent No. 5,832,378) in view of Lucey (U.S. Patent No. 4,450,319) or Baker et al. (U.S. Patent No. 4,456,793). Applicant respectfully traverses the rejection.

Claims 55 and 65 are dependent either directly or indirectly from one of amended independent claims 48 and 58, and, due to such dependency, are also believed to be distinguishable from Zicker for at least the reasons previously described. The Examiner did not rely on Lucey or Baker to overcome the described deficiencies of Zicker. Therefore, claims 55 and 65 are believed to be distinguishable from the applied combination of Zicker and Lucey or Baker.

Applicant therefore respectfully requests the rejection of claims 55 and 65 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 17 of the outstanding Final Office Action of February 14, 2003, the Examiner rejected claims 35-68 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6,349,324. Independent claims 35, 48, 58 and 67 have been amended herein. If the Examiner maintains this double-patenting rejection after allowance of the claims over the other prior art, applicant reserves the right to file a Terminal Disclaimer at that time. Applicant therefore respectfully requests the obviousness-type double patenting rejection be withdrawn.

At paragraphs 19 and 20 of the outstanding Final Office Action of February 14, 2003, the Examiner stated that claim 68 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's statement that

claim 68 would be allowable if rewritten in independent form. Applicant has not written claim 68 in independent form, but submits that claim 67 from which claim 68 depends is allowable, and therefore claim 68 is allowable as well.

The Examiner has apparently made of record, but not replied upon, a number of documents. The applicant appreciates the Examiner's explicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

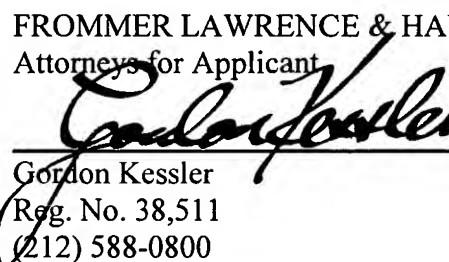
It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicant's undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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